

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER SMITH,  
Plaintiff,  
  
vs.  
DR. EDWARDS and P.A. GLEN  
SILVER,  
Defendants.

NO. CV-11-5122-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION, DISMISSING  
FIRST AMENDED COMPLAINT AND  
DENYING REQUEST FOR INJUNCTIVE  
RELIEF

**1915(g)**

BEFORE THE COURT is Mr. Smith's 66 page "Objection," ECF No. 24, to the Report and Recommendation to dismiss his First Amended Complaint and to deny his request for injunctive relief, ECF No. 23. After review of Plaintiff's submissions, including copies of letters and grievances, the Court finds Plaintiff has failed to specifically identify the portions of the Report and Recommendation to which he is objecting or to provide a basis for the objection. To the extent Plaintiff is attempting to raise new claims regarding his religious diet, he would need to file a new and separate action after he has fully exhausted the grievance process.

Based on Plaintiff's allegations contained in the First Amended Complaint and the accompanying grievances, the Magistrate Judge found that Plaintiff had failed to present facts from which the Court could infer the named Defendants were deliberately indifferent to Plaintiff's serious medical needs. Indeed, Plaintiff's grievances demonstrated medical officials were responsive to his complaints.

ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING FIRST  
AMENDED COMPLAINT AND DENYING REQUEST FOR INJUNCTIVE RELIEF- 1

1 For the reasons set forth above and by the Magistrate Judge, **IT IS ORDERED**  
2 the Report and Recommendation, ECF No. 23, is **ADOPTED in its entirety**. The First  
3 Amended Complaint is **DISMISSED with prejudice** for failure to state a claim upon  
4 which relief may be granted and the request for injunctive relief is **DENIED**.

5 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings  
6 three or more civil actions or appeals which are dismissed as frivolous or for failure to  
7 state a claim will be precluded from bringing any other civil action or appeal *in forma*  
8 *pauperis* “unless the prisoner is under imminent danger of serious physical injury.” 28  
9 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28**  
10 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three**  
11 **dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**  
12 **future claims.**

13 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
14 Order, enter judgment, forward copies to Plaintiff at his last known address, and close  
15 the file. The District Court Executive is further directed to forward a copy of this Order  
16 to the Office of the Attorney General of Washington, Criminal Justice Division. The  
17 court certifies any appeal of this dismissal would not be taken in good faith.

18 **DATED** this 19th day of January, 2012.

19  
20 *s/Lonny R. Suko*

21 LONNY R. SUKO  
22 UNITED STATES DISTRICT JUDGE  
23  
24  
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27 ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING FIRST  
28 AMENDED COMPLAINT AND DENYING REQUEST FOR INJUNCTIVE RELIEF- 2